

February 22, 2006

Filed Electronically

Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Room TW B-204
Washington, DC 20554

RE: WC Docket Nos. 04-36 and 05-196; FCC 05-116

Dear Chairman Martin:

HBF Group, Inc. (HBF) has been in the E9-1-1 database and systems business for over twenty years. Our ALI database systems are depended upon by over 45 million people in North America.

We are a provider of VoIP Positioning Center (VPC) services on behalf of numerous VoIP Service Providers (VSPs). HBF is clearly a third party provider referenced in the FCC 05-116 order and in the event HBF becomes or is an "Interconnected VoIP provider" under the FCC definition, HBF is filing this letter.

This letter is to serve two purposes:

1. Meet FCC requirements, i.e. Compliance Letter, FCC 05-116, paragraph 50 and,
2. To inform the Commission of issues being encountered by solution providers such as HBF in meeting the intent of the above referenced Dockets.

To our knowledge, we are one of only three companies providing these services in the United States. In those areas where HBF has not encountered unreasonable resistance, we are deploying a VPC solution that is compliant with the FCC's Order and the NENA i2 design. Thus far, in achieving HBF's mission of providing superior service to its customers and to achieve compliance within the FCC's order 05-116, HBF has completed the following:

- Obtained ALI interconnection agreements and network links with every major ALI provider except for Intrado;
- Contracted with Level 3 to gain access to selective router network, which gives us coverage of over 70% of the United States population;
- Performed PSAP outreach/notification to all U.S. PSAPs with feedback from PSAPs covering approximately 90% of the U.S. population;
- Obtained access to Puerto Rico's PSAP - HBF is the only VPC to provide this service to date;
- Established redundant data centers to support uninterrupted VPC service; and

- Established redundant voice call centers for contingency routing.
- Established agreements to obtain Emergency Service Query Keys (ESQs) from every major ALI provider except for BellSouth.

HBF has worked hard and has made significant investments to provide these services, yet is being held back by a number of factors that are addressable by the Commission. The FCC order states in its dicta that the Commissioners are willing and able to address HBF's complaints in this letter as follows:

*"The incumbent LEC's are required to provide access to their E911 networks to any requesting telecommunications carrier. They must continue to provide access to trunks, selective routers, and E911 databases to competing carriers. **The Commission will closely monitor this obligation**"* Chairman Kevin J. Martin.

"I am pleased that the Commission will monitor and facilitate ILECs' provision of access to selective routers and other key inputs." Commissioner Kathleen Q. Abernathy.

HBF does not believe that Intrado and BellSouth's exorbitant fees meet the requirement of "providing access" and HBF requests that the Commission monitor these occurrences. As the Commission has stated "time is of the essence", HBF believes that the two most significant expedient avenues available for the Commission to aid in the resolution of the above stated issues are:

- The prompt appointment of a nationwide pANI administrator in order to monitor the current unreasonable financial demands from BellSouth
- The creation of immediate regulatory oversight to cure unreasonable financial demands from Intrado whom, in our opinion, has and continues to attempt to develop a monopoly over 9-1-1 databases and thwarts a free competitive market that can best serve the interests of the public.

Each of these is explained further below.

BellSouth pANIs

The Commission currently has a recommendation dated September 8, 2005, from the North American Numbering Authority's (NANC) regarding the establishment of an Interim pseudo-Automatic Number Identification (pANI) Routing Number Authority (RNA) and the associated interim guidelines. The RNA is the single designated entity with the responsibility and authority to distribute ranges of numbers to network operators for the purposes of call routing and query steering – the entity with the responsibility and authority to administer pANIs. The RNA will facilitate VoIP deployments and help conserve both dialable and non-dialable numbering resources.

The Commission has also received numerous requests from industry organizations to move quickly on this recommendation¹. The ATIS filing noted:

¹ See Alliance for Telecommunications Solutions' (ATIS) Emergency Service Interconnection Forum (ESIF) ex parte dated November 2, 2005, the National Emergency Number Association (NENA) ex parte dated November 4, 2005, the Congressional ex parte filed November 22, 2005, the NENA ex parte dated November 30, 2005, the Association Of Public-Safety Communications Officials International (APCO) ex parte dated November 30, 2005, the Robert C. Atkinson ex parte filed January 13, 2006, etc.

"In a significant part of the U.S., there is no mechanism for pANI administration. Without this administration, a VSP would need to use dialable numbers, an ineffective solution. Further, a VSP may not have access to these numbers on a nationwide basis..."

This is, in fact, what HBF is facing. BellSouth, after already extracting from us a huge fee for database access, is now requiring that we pay them monopolistic rates for pANIs. In our opinion, this is contrary to the FCC's Order and effectively limits our ability to deliver enhanced 9-1-1 service for VoIP users served by 921 PSAPs in BellSouth's territory.

Intrado ALI Access

In order for HBF to provide VPC services to a significant part of Texas, as well as a few other geographic areas, we must interconnect with Intrado's hosted ALI. Technically speaking, this interconnection is nearly identical to what we have done with every major ILEC. The cost for interconnecting with the ILECs ranges from "free" to "exorbitant". By HBF's calculation, Intrado's monthly recurring cost for interconnection is over 800% more than those ILECs who are charging². We believe that because this is not a situation of a "willing seller, willing buyer" in an open market sense. Intrado is attempting to charge monopolistic prices and thus endangering public safety. In our opinion, this is contrary to the FCC's Order and effectively limits our ability to deliver enhanced 9-1-1 service for VoIP users served by Intrado's ALI system.

HBF believes that the Commission should examine business practices that are contrary to the stated direction of the Commission with regards to VoIP E9-1-1. A delay in Commission action would likely further frustrate the implementation of our VoIP E-9-1-1 solution for a significant part of the U.S. Our issue with BellSouth could be remedied by the immediate approval of the proposal for the Interim Routing Number Authority. Our issue with Intrado will require, we think, a more direct action.

In accordance with FCC Rule 1.49(f), this letter is being filed electronically via the Commission's Electronic Comment Filing System for inclusion in the public record of the above-referenced proceedings pursuant to Commission Rule 1.1206(b)(2).

We want to thank the Commission for its attention to these issues, and look forward to a prompt reply and action, as these matters directly affect the lives and property of millions of U.S. citizens.

Sincerely,



Hank Johnson, Jr.
CEO / President

cc: Thomas Navin (thomas.navin@fcc.gov)
Julie Veach (julie.veach@fcc.gov)

² Based on an average cost per potential access line, excluding ILECs with no interconnection charge.